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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,696	06/26/2001	Daniel Leonard Paulo	PN01032AA	1776

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MOTOROLA INC
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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,696

Applicant(s)

PAULO ET AL.

Examiner

CUONG H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,11-13,24,25,27-29,34-36,38-40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,11-13,24,25,27-29,34-36,38-40 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the amendment submitted on 2/07/2005.
2. Claims 1-42 were pending; claims 2-10, 14-23, 26, 30-33, 37, and 41 have been canceled in this application.

Response to Amendment

3. The examiner withdraws previous 35 USC 101 rejections since current remaining independent claims clarify of using technological art for this invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 11-13, 24-25, 27-29, and 34-36, 38-40, 42 are rejected under 35 U.S.C. § 102(b) as being anticipate by Hall et al. (US Pat. 6,026,375).

A. As per claims 1, 12, 24, 27, and 35: Hall et al. teach a method of ordering goods/services including:

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- receiving a request for the goods/services from a user
(see Hall et al., Fig.1 - customer 100, and Fig.6A
ref.606) by way of a device;
- accessing a database having information relevant to
said user and preferences related to said
goods/services (see Hall et al., Figs.1, 3 - Mobile
Customer Premises Equipment 105 & Service Provider's
System 150, and Fig. 6B ref.662);
- selecting a store associated with a provider of said
goods/services (see Hall et al., Figs.1, 3 - Service
Provider's System 150, and Fig. 6B ref.664);
- forwarding an order for the goods/services to said
store, said order dependent on said information (see
Hall et al., Fig.6C - ref.670);
- receiving a reply regarding said order from said store
(see Hall et al., Fig.6C - ref.675);
- formulating a response concerning said order and said
reply; and sending said response to said device (see
Hall et al., Fig.6C - refs. 675, and step 678
inherently teaches that Customer receives a response
from Service Agent).

Therefore, Hall et al. sufficiently teach all steps of above
claims.

B. Re. to claims 11, 13, 25, and 36:

Hall et al. teach a step of receiving a request includes receiving said request from a mobile device that is web enabled (see Hall et al., 5:8-12, and 5:66 to 6:3).

C. Re. to claims 28, and 38:

Hall et al. teach a step of matching a "local" facility with customer's goods/services - selecting a store based on customer's address (see Hall et al., Fig.1, refs. 172, 174, 176).

D. Re. to claims 34, and 42:

Hall et al. inherently teach a step of formulating an acknowledgment of customer's order and sending said acknowledgment using a wireless access protocol message (see Hall et al., Fig.1, Customer 100; 5:8-12, 6:1-3; Fig.6C - refs. 675, and step 678 inherently teaches that Customer receives a response from Service Agent).

E. Re. to claims 29, and 39:

Hall et al. inherently teach a step of selecting said store includes selecting a store based on available facility nearby a customer's address for in person pick-up fast food meal processes/perishable items (load management/

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preferential business placement), (see Hall et al., 1:33-52, and 2:1-11).

F. Re. to claim 40:

Hall et al. teach a step of forwarding information indicative of said store to requested customer (i.e., for picking up order - see Hall et al., Fig.6C, refs. 675, 678, and 695).

Conclusion

5. Claims 1, 11-13, 24-25, 27-29, 34-36, 38-40, and 42 are not patentable.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:00 am - 3:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The fax phone number for the organization where this application is assigned is 703-305-7687.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cuong H. Nguyen

CHAN
CUONG H. NGUYEN
Primary Examiner
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